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10/21/02

Response Under 37 CFR § 1.116
Expedited Procedure
Examining Group No. 3617

PATENT APPLICATION
Serial No. 09/462,224
Atty. Docket No. 3691-991961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3617

In re application of :

Marcel H.A. Janssens :

**RAIL TRACK HAVING ENHANCED
ABSORPTION OF VIBRATION
AND SOUND**

Serial No. 09/462,224 :

Filed January 3, 2000 :

Examiner: Frantz F. Jules :

Pittsburgh, Pennsylvania
September 23, 2002

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

BOX AF
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from
the decision dated April 23, 2002 of the Primary Examiner finally rejecting claims 8-12 and 14.

A supporting Appeal Brief will be filed in due course.

10/03/2002 AWONDAF1 00000030 09462224

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to Commissioner for Patents, Washington, D.C. 20231
on September 23, 2002.

Kay E. Yetter

(Name of Person Mailing Paper)

Signature

09/23/02


Date

{W0021043.1}

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$320.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
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By 

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